

Proposed Amendments Improving Traffic Safety on Construction Sites and in Work Zones

Public Hearing

Date: April 22, 2002

Time: 1:30 PM

Location: Department of Labor and Industries Building Auditorium
7273 Linderson Way, Tumwater, Washington

The Department of Labor and Industries will hold public hearings to receive information and comments about proposed changes to the rules in chapter 296-32 WAC, Safety Standards for Telecommunications, chapter 296-45 WAC, Safety Standards for Electrical Workers, and, chapter 296-155 WAC, Safety Standards for Construction Work, RCW 49.17.040 and 49.17.050 grants the department authority to propose and adopt these rules..

If you require special communication or accommodation arrangements, please contact us at (360) 902-5484 no later than April 10, 2002. Requests received after April 10, 2002, may not allow adequate time to make the arrangements.

Send written comments using one of the following:

By mail to:

Tracy Spencer, Program Manager
WISHA Services Division
PO Box 44620
Olympia, WA 98504-4620

By Fax: (360) 902-5529 (Comments submitted by fax must be 10 pages or less).

By electronic mail to:

Steven Vik, Project Manager at: vikt235@lni.wa.gov

State-initiated amendments are proposed in response to stakeholder requests that the department adopt permanent rules to protect construction site/work zone employees from traffic hazards created by job-site vehicles.

Listed below are the specific rule amendments the department is proposing to protect workers on foot from the traffic hazards created by construction site/work zone vehicles. These proposed amendments have been developed with the participation of representatives from business, labor, the Washington State Department of Transportation and the Department of Labor and Industries.

AMENDED SECTIONS:

WAC 296-155-110 Accident prevention program.

- Revises WAC 296-155-110(d) as a result of the proposed traffic safety training requirement in new section WAC 296-155-603, Traffic safety training, and moves WAC 296-155-110(6)(d) to (e) & 155-110(6)(e) to (f).

WAC 296-155-165 Lighting and illumination.

- Reorganizes the section into three subsections for clarity.
- Amends WAC 296-155-165(1) to incorporate specific lighting requirements for indoor/outdoor and task/nontask work areas.
- Amends WAC 296-155-165(2) to a performance-based requirement, requiring outdoor lighting in specific areas on construction sites and in work zones when general lighting of an entire area is not feasible during hours of darkness or during periods of limited visibility.
- Amends WAC 296-155-165(3) to state that outdoor site lighting must not create a disabling glare for workers, vehicle operators and passing motorists.

WAC 296-155-200 General requirements for personal protective equipment (PPE).

- Re-titles the section for clarity. The proposed section title is "General requirements for personal protective equipment (PPE)."
- Reorganizes and rewrites the section content according to clear rule writing principles to improve its clarity and increase its usefulness.
- Updates appropriate WAC references to reflect the department's new Core Safety and Health Rules (chapter 296-800 WAC).
- Adds WAC 296-155-200(9) regarding the use of high-visibility safety garments and hard hats by construction site and work zone employees, during daylight hours, whose duties are performed in areas and under conditions where they are exposed to hazards created by moving vehicles. These requirements are consistent with the requirements in WAC 296-155-305(5).
- Adds WAC 296-155-200(10) regarding the use of high-visibility safety garments and hard hats by construction site and work zone employees, during hours of darkness, whose duties are performed in areas and under conditions where they are exposed to hazards created by moving vehicles. These requirements are consistent with the requirements in WAC 296-155-305(5).

WAC 296-155-605 Vehicle operating requirements.

- Re-titles the section to reflect the proposed new safety requirements for construction site/work zone vehicles. The proposed section title is "Vehicle operating requirements".
- Creates a new section that brings together in one place various vehicle operating requirements that are scattered throughout several current rule sections of chapter 296-155 WAC.
- Creates new subsections by combining and rewriting current requirements according to clear rule writing principles, including changing "shall" to "must".
- WAC 296-155-605(1). Eliminate redundancies in current requirement.
- WAC 296-155-605(2). Updated the current requirement by replacing "oil", which is now illegal as a dust suppressant, with "an environmentally approved substance". Clarified when operators and drivers must use respiratory protection. Specified which respiratory protection requirements must be followed.
- WAC 296-155-605(3). Replaced "whenever visibility conditions warrant additional light" to "all vehicles operating on a site or in a zone". Replaced "at least two headlights and taillights" with "must comply with the manufacturer's specifications regarding headlights, brake lights and taillights". All required lights must be in operable condition.
- WAC 296-155-605(5). No new requirements. Rewritten for clarity.
- WAC 296-155-605(7)-"First bullet". Added "and/or pinch points" and "or other employees" to increase employee safety.
- WAC 296-155-605(7)-"Second bullet". Added the word "assigned" to clarify that only certain operators, drivers or experienced persons can crank start a vehicle. This helps make sure that inexperienced or unfamiliar persons do not try to crank start vehicles and, as a result, injure themselves.

- WAC 296-155-605(7)-"Third bullet". For clarity, replaced "haulage bodies" with "vehicles".
- WAC 296-155-605(7)-"Fourth bullet". No new requirements. Rewritten for clarity.
- WAC 296-155-605(7)-"Fifth bullet". No new requirements. Rewritten for clarity.
- Adds WAC 296-155-605(4) improving worker on foot safety by increasing lighting requirements for large vehicles operating on job sites and in work zones while allowing employers flexibility in complying with the requirements.
- Adds WAC 296-155-605(6) improving worker on foot safety by requiring that all employee's effectively communicate with the driver/operator before approaching or boarding their vehicle. Allows employers flexibility in determining what "effective communication" is.

WAC 296-155-610 Vehicle fender requirements.

- Re-titles the section to reflect the proposed new safety requirements for construction site/work zone vehicles. The proposed section title is "Vehicle fender requirements".
- Creates a new section placing vehicle fender requirements that are contained in WAC 296-155-610 and 615 together in one place.
- Creates new subsections by combining and rewriting current requirements according to clear rule writing principles.
- WAC 296-155-610(1). No new requirements. Rewritten for clarity.
- WAC 296-155-610(2). Deleted the first paragraph in WAC 296-155-610(2)(n) because it is unnecessary.
- Incorporated mud flaps into this vehicle fender subsection. Made mud flaps a requirement for vehicles that are not designed with fenders.

WAC 296-155-615 Powered industrial trucks.

- Re-titles the section to accurately reflect its content. The proposed section title is "Powered industrial trucks".
- The proposed amended section contains requirements only affecting forklifts. Many of the requirements contained in the current WAC 296-155-615 are being moved to new sections containing safety requirements for construction site/work zone vehicles.
- Deletes WAC 296-155-615(1)(g) and (h) because they are unnecessary.
- Renumbers the following subsections and subparts of WAC 296-155-615 as follows:
 - ✓ WAC 296-155-615(1)(f) to WAC 296-155-608(3)
 - ✓ WAC 296-155-615(2)(b) to WAC 296-155-615(2)
 - ✓ WAC 296-155-615(2)(c) to WAC 296-155-605(8)
 - ✓ WAC 296-155-615(3) to WAC 296-155-615 through 615(8)

WAC 296-155-655 General protection requirements.

- Re-titles the section to make it more descriptive of the section's content.
- Rewrites WAC 296-155-655(4) to incorporate reference to the new high-visibility safety garment and hard hat requirements in WAC 296-155-200(9) and (10).

WAC 296-32-240 Employee protection in work areas.

- Re-titles the section to clarify that the section's content applies to all work areas covered by chapter 296-32 WAC.
- Rewrites the section according to clear rule writing principles, including changing "shall" to "must".
- Adds WAC 296-32-240(4) to incorporate reference to the new high visibility safety garment and hard-hat requirements in WAC 296-155-200(9) and (10).
- Adds WAC 296-32-240(5) to incorporate the general safety requirements contained in WAC 296-155-601 through 612.

WAC 296-45-52530 Employee protection in work areas.

- Re-titles the section to clarify that the section's content applies to all work areas covered by chapter 296-45 WAC.
- Adds WAC 296-45-52530(4) to incorporate reference to the new high visibility safety garment and hard-hat requirements in WAC 296-155-200(9) and (10).
- Adds WAC 296-45-52530(5) to incorporate the general safety requirements contained in WAC 296-155-601 through 612.

NEW SECTIONS:

WAC 296-155-601 Internal traffic safety regulations for construction sites and work zones.

- States clearly that WAC 296-155-601 through 612 are minimum internal traffic safety regulations for construction sites and work zones whose purpose is to make sure workers are protected from motor vehicle hazards while working on a site or in a zone.
- Includes a definition of "motor vehicle" or "vehicle" that is used in WAC 296-155-601 through 612.

WAC 296-155-602 Site-specific internal traffic safety plans.

- Adds, for the purpose of improving worker-on-foot safety, the requirement that employers must develop, implement, maintain and update site-specific internal traffic safety plans for certain types of jobs.
- Clarifies that a site-specific internal traffic safety plan is required for all jobs lasting more than one day that involve at least five workers, and include at least one vehicle that is an integral part of the job, or on job sites where there are multiple vehicles that are an integral part of the job, regardless of number of workers present, or on work sites where there are multiple employers, and include vehicles that are an integral part of the job.
- Clarifies that on multi-employer job sites requiring more than one internal traffic safety plan, it is the responsibility of the general contractor to make sure that the separate plans are coordinated and communicated to all employers.
- Identifies the minimum content for any required site-specific internal traffic safety plan.

WAC 296-155-603 Traffic safety training.

- Adds, for the purpose of improving worker-on-foot safety, the requirement that any employer who must develop and implement an internal site-specific internal traffic safety plan must provide appropriate and effective on site traffic safety training to all site and work zone employees. Allows employers to determine what is "appropriate and effective".
- Gives examples of acceptable training formats.
- Lists the basic elements that acceptable traffic safety training must cover.

WAC 296-155-604 Minimum qualifications for all vehicle operators and drivers.

For the purpose of improving construction site and work zone safety, this section requires that:

- Employers must make sure that only qualified and authorized employees operate or drive job site vehicles; and
- Operator or driver certification and/or training and experience must be relevant to the specific type of vehicle assigned to the operator or driver.

WAC 296-155-606 Operating vehicles with obstructed views.

- Adopts a new section to reduce hazards created when vehicles with obstructed views are operated on construction sites or in work zones. This section brings together various obstructed view and backing requirements that are now in WAC 296-155-610 and 615.

- Most of the requirements in this section are a result of combining and rewriting current requirements according to clear rule writing principles, including changing “shall” to “must”.
- Adds a note encouraging the use of careful planning in an effort to minimize backing.
- Except for subsection (4), the new subsections do not substantially change current requirements.
- WAC 296-155-606(1). No new requirements. Rewritten for clarity.
- WAC 296-155-606(2). Added “obstructed side view” as a hazard that must be addressed.
- WAC 296-155-606(3). Improved worker on foot safety by allowing the use of lights that may be more effectively seen than amber colored ones. Replaced “amber colored strobe lights” in the current code with “strobe lights capable of being seen during daylight hours”.
- WAC 296-155-606(4) Improved ground personnel safety by requiring:
 - ✓ The use of mechanical devices to eliminate vehicle blind spots while the vehicle backs up.
 - ✓ The use of spotters if ground personnel are present and the mechanical devices has not eliminated the vehicle’s blind spots.
 - ✓ That the vehicles not back up until the spotter communicates to the driver/operator that the area is clear of all ground personnel.
- WAC 296-155-606(5) Changed “Bidirectional machines” to “all vehicles, “Horn” to “audible warning device”, and “Either direction” to “any direction”.

WAC 296-155-607 Vehicle cab requirements.

- Creates a new section to improve vehicle cab safety, bringing together in one section, vehicle cab requirements that are currently in WAC 296-155-605, 610 and 615.
- The requirements in this section are the result of combining and rewriting current requirements according to clear rule writing principles, including changing “shall” to “must”.
- This new section does not contain any new requirements.
- WAC 296-155-607(1). The “cracked glass” requirement is moved to WAC 296-155-607(2).
- WAC 296-155-607(2). No new requirements. Rewritten for clarity.
- WAC 296-155-607(3). This requirement was rewritten for clarity and incorporated here. This requirement was also left in WAC 296-155-615 because it applies to forklifts as well.
- WAC 296-155-607(4). For clarity, replaced “haulage vehicles” with “vehicles”.
- WAC 296-155-607(5). No new requirements. Rewritten for clarity.

WAC 296-155-608 Vehicle seat, seat belt, and rollover protection requirements.

- Creates a new section bringing together in one section vehicle seat and seat belt requirements that are currently in WAC 296-155-610 and 615.
- The requirements in this section are the result of combining and rewriting current requirements according to clear rule writing principles, including changing “shall” to “must”.
- This new section does not contain any new requirements.
- WAC 296-155-608(1). Clarified CFR reference
- WAC 296-155-608(2). No new requirements. Rewritten for clarity.
- WAC 296-155-608(3). No new requirements. Rewritten for clarity.
- WAC 296-155-608(4). No new requirements. Rewritten for clarity.
- WAC 296-155-608(5). Separated current subpart into two subsections for clarity. No new requirements.

- WAC 296-155-608(6). Separated current subpart into two subsections for clarity. No new requirements.

WAC 296-155-609 Vehicle brake and brake light requirements.

- Creates a new section bringing together in one section vehicle brake and brake light requirements that are currently in WAC 296-155-610 and 615.
- The requirements in this section are the result of combining and rewriting current requirements according to clear rule writing principles, including changing "shall" to "must".
- This new section does not contain any new requirements.
- WAC 296-155-609(1). No new requirements. Rewritten for clarity.
- WAC 296-155-609(2). No new requirements. Rewritten for clarity.
- WAC 296-155-609(3). Eliminated unnecessary dates. Separated requirements for different types of vehicles into separate subsections. No new requirements.

WAC 296-155-611 Vehicle inspection, maintenance, and repair requirements.

- Creates a new section bringing together in one section various vehicle inspection, maintenance and repair requirements that are now in WAC 296-155-605, 610 and 615.
- Most of the requirements in this section are a result of combining and rewriting current requirements according to clear rule writing principles, including changing "shall" to "must". See the table below.
- There are new requirements in this section.
- WAC 296-155-611(1). Added requirement that inspections must occur after a driver/operator's lunch break as well as before the start of their work shift. Added "automatic reverse warning devices" to the list of "parts, systems and accessories" that must be inspected. Replaced "horn" with "audible warning device". Moved the requirement that all defects must be corrected before a vehicle is returned to service to WAC 296-155-611(7).
- WAC 296-155-611(2). No new requirements. Rewritten for clarity.
- WAC 296-155-611(5). No new requirements. Rewritten for clarity.
- WAC 296-155-611(6). No new requirements. Rewritten for clarity.
- WAC 296-155-611(7). Clarifies how defective vehicles must be handled. Added the requirements that defective vehicles must be reported to a designated maintenance person, promptly taken out of service and inspected.
- WAC 296-155-611(8). Emphasizes that a vehicle must be made inoperable when it is repaired or maintained.
- WAC 296-155-611(9). No new requirements. Rewritten for clarity.
- WAC 296-155-611(10). Moved the vehicle cab requirements for windshields, wipers, defoggers, etc. to WAC 296-155-607(1)
- Adds WAC 296-155-611(3) as a minimum requirement to make sure vehicles are properly maintained. Properly maintained vehicles means safer operation and a reduction in vehicular hazards on construction sites and in work zones.
- Adds WAC 296-155-611(4) to make sure that vehicle drivers and operators have access to the "owner's manual" for the vehicles to which they are assigned. Access to such manuals helps them operate their assigned vehicles safely thereby reducing vehicular hazards for ground personnel.

WAC 296-155-612 Vehicle parking requirements.

- Creates a new section, bringing together in one place, various vehicle parking and parking related requirements that are now in WAC 296-155-605, 610 and 615.
- The requirements in this section are a result of combining and rewriting current requirements according to clear rule writing principles, including changing "shall" to "must". There are no new substantive requirements in this section.

- WAC 296-155-612(1). Replaced current requirements with new language requiring that all untended vehicles must have their parking break set and parked according to the manufacturer's specifications. "Manufacturer's specifications" is used because parking requirements can vary based upon type of vehicle, type of engine, parking location, climate, etc.
- WAC 296-155-612(2). No new requirements. Rewritten for clarity.
- WAC 296-155-612(3). No new requirements. Rewritten for clarity.
- WAC 296-155-612(4). Replaced "heavy machinery and equipment" with "any vehicle".
- WAC 296-155-612(5). No new requirements. Rewritten for clarity.

Details of the proposed amendments will be published in the Washington State Register 02-06 on March 20, 2002. The proposed amendments are considered "significant legislative rules" under RCW 34.05.328 and the requirements of that section do apply. The department has prepared a Small Business Economic Impact Statement (SBEIS). The tentative adoption date for these proposed amendments is June 10, 2002 with a tentative effective date of September 1, 2002.

Copies of the proposed amendments and the SBEIS are available upon request by calling toll free at 1-800-423-7233; or writing to the Department of Labor and Industries, WISHA Services Division, Standards Section, Post Office Box 44620, Olympia, Washington 98504-4620. Copies will also be available at the public hearings.

Following the public hearings and after a final decision has been reached on the adoption of the proposed amendments, the department will respond in writing to each individual submitting oral and written comments.